



General Assembly

January Session, 2019

**Committee Bill No. 375**

LCO No. 5858



Referred to Committee on PUBLIC HEALTH

Introduced by:  
(PH)

***AN ACT CONCERNING NURSING HOME STAFFING LEVELS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2019*) (a) As used in this section  
2 and sections 2 to 4, inclusive, of this act:

3 (1) "Discriminate or retaliate" includes, but is not limited to, the  
4 discharge, demotion, suspension or any other detrimental change in  
5 terms or conditions of employment, or the threat of any such action;

6 (2) "Nurse" means an advanced practice registered nurse, registered  
7 nurse or licensed practical nurse licensed pursuant to chapter 378 of  
8 the general statutes;

9 (3) "Advanced practice registered nurse" means an advanced  
10 practice registered nurse licensed pursuant to chapter 378 of the  
11 general statutes;

12 (4) "Registered nurse" means a registered nurse licensed pursuant to  
13 chapter 378 of the general statutes;

14 (5) "Licensed practical nurse" means a practical nurse licensed

15 pursuant to chapter 378 of the general statutes;

16 (6) "Nurse's aide" means a nurse's aide registered pursuant to  
17 chapter 378a of the general statutes;

18 (7) "Nursing home" has the same meaning as provided in section  
19 19a-490 of the general statutes; and

20 (8) "Transportation duty" means the responsibility of a nurse or  
21 nurse's aide to (A) ensure that a resident safely enters or exits from a  
22 vehicle that is transporting the resident to or from the nursing home,  
23 or (B) accompany the resident while he or she is being transported to  
24 or from the nursing home.

25 Sec. 2. (NEW) (*Effective October 1, 2019*) (a) Each nursing home shall  
26 calculate on a daily basis, for the purposes of posting the information  
27 required under subsection (b) of this section, the total number of  
28 nurses and nurse's aides providing direct patient care to residents of  
29 the nursing home. In calculating the total number, a nursing home  
30 shall not include any nurse or nurse's aide who is on transportation  
31 duty for any part of the workday or any nurse or nurse's aide who is  
32 categorized as a member of the nursing home's management or  
33 administration.

34 (b) Each nursing home shall post the following information on a  
35 daily basis at the beginning of each shift in a legible format, and in a  
36 conspicuous place readily accessible to and clearly visible by residents,  
37 employees and visitors of the nursing home, including, but not limited  
38 to, persons in a wheelchair:

39 (1) Name of the nursing home;

40 (2) Date;

41 (3) Total number of (A) advanced practice registered nurses, (B)  
42 registered nurses, (C) licensed practical nurses, and (D) nurse's aides,  
43 who will be responsible for direct patient care during the shift;

44 (4) Total number of hours such (A) advanced practice registered  
45 nurses, (B) registered nurses, (C) licensed practical nurses, and (D)  
46 nurse's aides are scheduled to work during the shift;

47 (5) Total number of nursing home staff per shift that is required by  
48 the regulations of Connecticut state agencies to be responsible for  
49 providing direct patient care to residents of the nursing home;

50 (6) Phone number or Internet web site that a resident, employee or  
51 visitor of the nursing home may use to report a suspected violation by  
52 the nursing home of a regulatory requirement concerning staffing  
53 levels and direct patient care; and

54 (7) Total number of nursing home residents.

55 (c) Each nursing home shall, upon oral or written request, make the  
56 daily information posted pursuant to subsection (b) of this section  
57 available to the public for review. The facility shall retain such  
58 information for not less than eighteen months from the date such  
59 information was posted.

60 (d) Any nursing home that is found by the Department of Public  
61 Health to have violated any regulatory requirement concerning  
62 staffing levels and direct patient care shall post, for not less than thirty  
63 calendar days, a legible notice stating the violation or violations in a  
64 conspicuous place, readily accessible to and clearly visible by  
65 residents, employees and visitors of the nursing home, including, but  
66 not limited to, persons in a wheelchair.

67 Sec. 3. (NEW) (*Effective October 1, 2019*) (a) If the Commissioner of  
68 Public Health finds that a nursing home has substantially failed to  
69 comply with a nursing home staffing level requirement established  
70 pursuant to the regulations of Connecticut state agencies, the  
71 commissioner may (1) take any disciplinary action against the nursing  
72 home permitted under section 19a-494 of the general statutes, and (2)  
73 issue or cause to be issued a citation to the licensee of such nursing

74 home pursuant to the provisions of section 19a-524 of the general  
75 statutes.

76 (b) A violation of a nursing home staffing level requirement set  
77 forth in the regulations of Connecticut state agencies shall be (1)  
78 classified as a Class B violation pursuant to the provisions of section  
79 19a-527 of the general statutes, and (2) prominently posted in the  
80 nursing home and included in the listing prepared by the Department  
81 of Public Health pursuant to the provisions of section 19a-540 of the  
82 general statutes.

83 Sec. 4. (NEW) (*Effective October 1, 2019*) (a) (1) No nursing home  
84 shall discriminate or retaliate in any manner against an employee of  
85 such nursing home because the employee submitted a complaint or  
86 initiated or cooperated in an investigation by or proceeding before a  
87 governmental entity relating to the care or services by, or the  
88 conditions in, such nursing home.

89 (2) A nursing home that violates any provision of this section by  
90 discriminating or retaliating against an employee shall reinstate the  
91 employee, if the employee was terminated from employment, and  
92 reimburse the employee for lost wages, lost work benefits and any  
93 reasonable legal costs incurred by the employee in pursuing the  
94 employee's rights under this section.

95 (b) (1) No nursing home shall discriminate or retaliate in any  
96 manner against a resident of such nursing home because the resident,  
97 or an individual on behalf of the resident, submitted a complaint or  
98 initiated or cooperated in an investigation by or proceeding before a  
99 governmental entity relating to the care or services by, or the  
100 conditions in, such nursing home.

101 (2) A nursing home or nursing home facility that violates any  
102 provision of this subsection shall restore the resident to his or her  
103 situation prior to such discrimination or retaliation, including his or  
104 her housing arrangement and other living conditions within the

105 nursing home, as appropriate, and reimburse any reasonable legal  
106 costs incurred by the resident, or an individual acting on behalf of the  
107 residents, in pursuing the resident's rights under this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	New section
Sec. 2	October 1, 2019	New section
Sec. 3	October 1, 2019	New section
Sec. 4	October 1, 2019	New section

**Statement of Purpose:**

To ensure adequate reporting of the numbers of nursing home staff.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. LOONEY, 11th Dist.; SEN. DUFF, 25th Dist.  
SEN. MCCRORY, 2nd Dist.; SEN. CASSANO, 4th Dist.  
SEN. COHEN, 12th Dist.; SEN. ABRAMS, 13th Dist.  
SEN. OSTEN, 19th Dist.; SEN. MOORE, 22nd Dist.  
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SEN. FLEXER, 29th Dist.; SEN. NEEDLEMAN, 33rd Dist.  
SEN. FONFARA, 1st Dist.

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